



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL
ATTORNEY GENERAL

May 5, 1975

The Honorable Wilson E. Speir
Director
Texas Department of Public Safety
Box 4087
Austin, Texas 78773

Open Records Decision No.84

Re: Pre-January 1, 1970,
Accident Reports.

Dear Colonel Speir:

Pursuant to section 7 of the Open Records Act, article 6252-17a, V. T. C. S., you have requested our decision on whether an accident report submitted prior to January 1, 1970, is excepted from disclosure as "information deemed confidential by law. . . ." Sec. 3(a)(1).

Section 47, article 670ld, V. T. C. S., deals with the availability of accident reports:

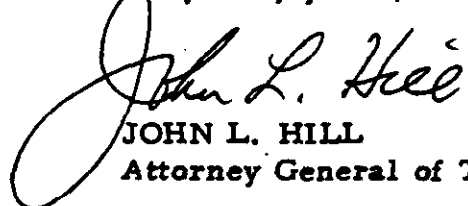
Sec. 47. All accident reports made by persons involved in accidents, by garages, or peace officers shall be without prejudice to the individual so reporting and shall be privileged and for the confidential use of the Department or other State agencies having use for the records for accident prevention purposes, except that the Department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident, provided that accident reports submitted by peace officers after January 1, 1970, are public records open for inspection. After January 1, 1970, the Department shall provide a copy or copies of any peace officer's report submitted after that date to any person upon written request and payment of a Two Dollar (\$2) fee. Such copy may be certified by the Department for an additional fee of Two Dollars (\$2). In the event no report is on file the Department may certify such fact for a fee of Two Dollars(\$2). (Emphasis added).

By the terms of this statute, except for the identity of persons involved, an accident report made prior to January 1, 1970 is clearly privileged and confidential and thus excepted from disclosure under section 3(a)(1) of the Open Records Act.

The requestor acknowledges the clear meaning of this statute, but contends that no valid purpose is served by denying access to pre-January 1, 1970, accident reports. In the absence of ambiguity or conflict requiring our construction of a statute, we cannot consider such arguments. Such arguments are properly addressed to the Legislature.


It is our decision that accident reports submitted prior to January 1, 1970, are excepted from disclosure under section 3(a)(1) as information made confidential by statute.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


DAVID M. KENDALL, First Assistant


C. ROBERT HEATH, Chairman
Opinion Committee